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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 19 March 2010 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of the Republic of Guatemala has decided to submit its candidacy for membership in the Human Rights Council for the period 2010-2013 in the elections to be held on 13 May 2010 during the sixty-fourth session of the General Assembly.

Accordingly, the Government of the Republic of Guatemala has the honour to transmit herewith a description of its voluntary pledges and commitments for the promotion and protection of human rights, in accordance with General Assembly resolution 60/251. I would be grateful if this letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Gert **Rosenthal**
Permanent Representative

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Annex to the letter dated 19 March 2010 addressed to the President of the General Assembly by the Deputy Permanent Representative of Guatemala to the United Nations

Candidacy of Guatemala to the United Nations Human Rights Council for the period 2010-2013

Voluntary pledges and commitments by Guatemala for the promotion and protection of human rights

A. Role of Guatemala in the promotion and protection of human rights

1. In Guatemala, human rights are intimately related to respect for democracy and the rule of law. Therefore, strengthening the international human rights system is a high priority for the Government and a fundamental goal of its foreign policy.

2. Guatemala is fully committed to the consolidation and strengthening of the United Nations Human Rights Council as the primary organ for the promotion and protection of human rights.

3. Guatemala is convinced of the importance of promoting the highest international human rights standards and fostering their development through active participation in various international human rights forums.

B. Contributions of Guatemala in human rights

At the international level

4. Guatemala has participated and continues to participate actively in international human rights bodies, in keeping with its foreign policy. Guatemala was a member of the Commission on Human Rights for the period 2004-2007 and participated actively in its work, which enabled it to gain experience in the overall approach to human rights issues in different regions of the world. Moreover, Guatemala was itself subject to the Commission's scrutiny until 1997 and hosted the United Nations Verification Mission in Guatemala (MINUGUA) until 2004.

5. In 2006, Guatemala had the honour of being elected a member of the United Nations Human Rights Council for the period 2006-2008, which enabled it to continue to promote universal respect for the protection of all human rights and fundamental freedoms for all peoples without any distinction and with justice, as well as to work for the consolidation of the Council as the primary United Nations organ in human rights.

6. Guatemala promotes the highest international human rights standards, both in the Council and in the United Nations General Assembly. It generates human rights initiatives, for instance on indigenous peoples, and promotes other initiatives, including those on women, migrants, persons with disabilities, freedom of expression, discrimination and human rights defenders.

7. It hopes to use its participation in the international human rights system to promote its rights, defend its interests and promote democratic principles and ideals,

the rule of law and respect for human rights, so that all States receive equal treatment in the various international human rights bodies, whatever their size, and that those bodies conduct their work in an objective, transparent and constructive manner.

8. On the global level, the Republic of Guatemala actively supported and voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and on the inter-American level, it has taken a leadership role in the drafting of an American declaration on the rights of indigenous peoples.

9. In 2008, Guatemala was examined under the universal periodic review mechanism and has begun the implementation of the resulting recommendations. It has also established a mechanism for follow-up to the recommendations, as well as those from treaty bodies and other bodies, through a participatory methodology that includes sectors of civil society and the State. It has also been an examiner for other countries undergoing the review process and has promoted dialogue with States being examined, maintaining a positive and constructive approach in order to facilitate the effective promotion and protection of human rights and international cooperation.

10. Guatemala maintains an open-door policy of cooperation with the special mechanisms of the Human Rights Council and with the inter-American system, taking into account requests, recommendations and urgent appeals. That policy was reinforced after Guatemala became a member of the Human Rights Council in 2006. In order to follow up on the recommendations made by rapporteurs, a follow-up system was designed through a Web application available to the general public for the classification of the recommendations and monitoring of progress on each.

11. In recent years, the following visits have taken place:

- In 2008, Guatemala was visited by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani; and the Special Rapporteurs on the human rights of migrants, Jorge A. Bustamente, and on the right to education, Vernor Muñoz Villalobos.
- In 2009, the Special Rapporteurs on the independence of magistrates and judges, Leandro Despouy, and on the right to food, Olivier de Schutter, visited the country.
- This year (2010) the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, will visit Guatemala.

12. In the context of its open-door policy of cooperation with special mechanisms, the mandate of the Office of the High Commissioner for Human Rights in Guatemala was renewed for three more years, from September 2008 to September 2011.

13. Guatemala is a party to the major regional and universal human rights instruments. It also recognizes the competence of the supervisory bodies established under those treaties for monitoring and oversight. It maintains close cooperation with them and is essentially current in submission of its national reports to treaty bodies.

14. In fulfilment of the pledges that the Government of the Republic of Guatemala made in May 2006 on its election to the Human Rights Council, the following instruments of ratification of international agreements have been deposited:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others and its Final Protocol
- International Convention on the Rights of Persons with Disabilities and its Optional Protocol
- The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption

At the national level

15. There is an entire institutional framework devoted to the protection and monitoring of human rights, starting with the Political Constitution of the Republic itself. With the signing of the Agreement on a Firm and Lasting Peace in December 1996,[1] and the promulgation of the Framework Law on the Peace Agreements in 2002, the commitments made in the Peace Agreements became the commitments of the State.

16. In recent years the Government of Guatemala has adopted major legislative reforms with a view to incorporating international human rights standards into national law, including:

- National Adoptions Act (Legislative Decree No. 77-2007 of 11 December 2007)
- Act against Femicide and other Forms of Violence against Women (Legislative Decree No. 22-2008 of 9 April 2008
- Framework Act on the National Security System (Legislative Decree No. 18-2008 of 30 December 2008)
- Act against Sexual Violence, Exploitation and Trafficking in Persons (Legislative Decree No. 9-2009 of 18 February 2009).

17. As evidence of progress in democratic openness, Guatemala has hosted major events in the field of human rights, including:

[1] The Agreement on a Firm and Lasting Peace, signed in Guatemala City on 29 December 1996, incorporates the following ten peace agreements: Comprehensive Agreement on Human Rights (signed in Mexico City on 29 March 1994); Agreement for the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer (signed in Oslo on 23 June 1994); Agreement on the Resettlement of Population Groups uprooted by the Armed Conflict (signed in Oslo on 17 July 1994); Agreement on the Identity and Rights of Indigenous Peoples (signed in Mexico City on 31 March 1995); Agreement on Socio-Economic Aspects and the Agrarian Situation (signed in Mexico City on 6 May 1996); Agreement on the Strengthening of Civilian Power and the Role of the Armed Forces in a Democratic Society (signed in Mexico City on 19 September 1996); Agreement on a Definitive Ceasefire (signed in Oslo on 4 December 1996); Agreement on Constitutional Reforms and the Electoral Regime (signed in Stockholm on 7 December 1996); Agreement on the Basis for the Legal Integration of the Unidad Revolucionaria Nacional Guatemalteca (signed in Madrid on 12 December 1996); Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements (signed in Guatemala City on 29 December 1996).

- The 125th Period of Sessions of the Inter-American Commission on Human Rights in June 2006 (the first time it was held outside Washington, D.C.)
- Second Ministerial Meeting of the Movement of Non-Aligned Countries on the Advancement of Women from 21 to 24 January 2009 (where the fulfilment of the Millennium Development Goals and targets from a gender perspective were examined).

18. Along the same lines, Guatemala has adopted a series of national policies and plans which have an impact on the exercise of human rights, which include the National Human Rights Policy and associated National Action Plan; the National Human Rights Education Policy; the Policy on the Prevention of Juvenile Violence; the Public Policy against Trafficking in Persons and on Comprehensive Care for Victims; the Public Policy for Peaceful Co-existence and the Elimination of Racism and Racial Discrimination; and the National Policy for Promoting Equality of Guatemalan Women.

19. In this context, the High-Level Commission to Deal with Issues of Human Rights and the High-Level Commission to Deal with Indigenous Issues were formed. These political institutions work on the design of national policies and plans as well as a proposed legislative agenda, with the aim of promoting it to the relevant agencies. They also maintain coordination with the various national institutions involved in the area of human rights in the submission of periodic reports to treaty bodies and committees in both the United Nations and the Organization of American States in order to stay up to date in the submission of national reports and their timely consideration.

20. Resources and activities for the prevention of juvenile violence, women's security and prevention of domestic violence, as well as for the modernization of the justice system, are being decentralized. Mobile courts are operating and a National Institute of Forensic Sciences to provide scientific evidence and the Commission to Support the Strengthening of the Justice System (currently the Commission on Justice Sector Reform) have been established.

21. In order to assist in fighting impunity, an International Commission against Impunity in Guatemala has been set up with United Nations support. This is a mechanism with few international precedents which the State has adopted in order to meet its obligation to guarantee the protection of human rights; its mandate has been extended until 2011.

22. With regard to public security, at the specific recommendation of the Office of the High Commissioner for Human Rights in Guatemala, a Unit for the Analysis of Attacks against Human Rights Defenders in Guatemala was established by Government Agreement No. 103-2008 within the Criminal Investigation Division. Within this division, the following units also operate: the Human Rights Office within the Criminal Investigation Division, which directly supports the unit of the Public Prosecutor's Office for Offences against Human Rights Activists; the Human Rights and Victim Care Unit; and the Multiculturalism Division, which operates within the Subdirectorate General for Crime Prevention.

23. With regard to women's issues, Guatemala is working to put in place public policies with a women's rights perspective at all levels of the State in order to make progress in meeting national and international commitments in that area.

24. As a result of the consideration of the seventh periodic report of Guatemala in February 2009, the Presidential Secretariat for Women disclosed the recommendations made by the Committee for the information and empowerment of the institutions responsible for acting on them.

25. In addition, the Supreme Court of Justice issued ruling 23-2008 defining the powers of the lower courts to hear cases covered by the Act on Femicide and other forms of violence against women throughout the Republic: (a) justices of the peace; (b) courts of first instance in criminal matters, drug trafficking and crimes against the environment; (c) the judgment tribunals in criminal matters, drug trafficking and crimes against the environment; (d) the chambers of the Court of Appeals in criminal matters, drug trafficking and crimes against the environment; (e) the family courts; (f) the Courts of Appeals in civil and family matters; (g) the Criminal and Civil Chambers of the Supreme Court of Justice.

26. In the area of trafficking in persons, the Public Policy against Trafficking in Persons and Comprehensive Protection of Victims and the Strategic Action Plan 2007-2017 are being implemented. These are State directives to prevent, suppress and punish trafficking in persons in its various forms and to protect the victims of this scourge.

27. Another priority issue for Guatemala is support for migrants. Therefore, the Policy on Protection and Support to Guatemalan Migrants has recently been approved and the National Support Council for Guatemalan Migrants has been established. This is an innovative inter-institutional coordinating body for the purpose of developing an integrated policy of support. Because of malnutrition and hunger in Guatemala, the Government has decided to implement the Strategic Plan for Food and Nutrition Security 2009-2012.

28. The State adheres to the commitments made in the "Community of Democracies" and accordingly will continue to participate actively in this group, which promotes democratic governance. Guatemala sees democracy not just as the holding of free and regular elections, but also as involving acceptance of such other imperatives as the separation of powers, protection of human rights, transparency and combating corruption. The effective guarantees ensured by civil and political rights are recognized as essential to democratic life.

29. Corruption produces and facilitates human rights abuses. Guatemala views international cooperation in combating corruption as imperative for democratic societies in order to strengthen good governance.

C. Pledges and commitments of Guatemala in human rights

30. In the Human Rights Council, Guatemala undertakes to:

At the international level

- Enhance its efforts to achieve effective consolidation of the Human Rights Council as the primary organ of the United Nations entrusted with promotion and protection of human rights.
- Maintain an active and constructive participation in all Human Rights Council organs and mechanisms.

- Support the strengthening of the human rights special procedures system.
- Foster coordination and cooperation among all countries of the world to consolidate the system for the promotion and protection of human rights.
- Address human rights issues in an equitable, objective and non-selective manner, ensuring the exercise and observance of human, economic, social, cultural, civil and political rights, including the right to development.
- Cooperate in the establishment of a follow-up mechanism for the recommendations made by the universal periodic review process.
- Work unceasingly to ensure the full enjoyment of human rights for all, especially those who, owing to special circumstances, are considered to be particularly vulnerable and unprotected.

At the national level

- Advance major legislative reforms with a view to incorporating international human rights standards.
- Promote in the Legislative Branch the adoption of international instruments and other human rights initiatives.
- Promote cooperation and develop mechanisms for dialogue and strengthening the participation of civil society.
- Maintain the open-door policy of cooperation with international human rights monitoring mechanisms.
- Promote effective follow-up to the recommendations issued by the international monitoring mechanisms to the country in human rights.
- Continue with the execution of the electronic information system available to the general public for the classification of recommendations made by the rapporteurs of the Human Rights Council and implement each one of them.
- Cooperate constructively with international human rights bodies.